

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>AT&amp;T Requests For Waiver of Cellular</b>	)	<b>WT Docket No. 13-10</b>
<b>License Application Rules Concerning</b>	)	
<b>Service Area Boundary Extensions</b>	)	

**REPLY COMMENTS OF AT&T**

AT&T Services, Inc., on behalf of itself and its wireless affiliates (collectively “AT&T”), submits these reply comments with the Federal Communications Commission (“FCC”) in the above referenced docket:

**I. INTRODUCTION**

AT&T has filed the applications listed in Exhibit A seeking modifications to the sites that comprise the outer contours of its cellular geographic service areas (“CGSA”) and, as part of these modifications, has petitioned the Commission for a waiver of rules 1.923(a) and 22.911(d) to allow AT&T to extend its service area boundaries (“SAB”) into the CGSAs of four cellular licensees. In its petition for waiver, AT&T explained that it has been unable, despite substantial efforts and the absence of continued objections, to obtain reasonable extension agreements with neighboring carriers, namely C-Spire, Eastern Kentucky Network (“EKN”), Wilkes Cellular (“Wilkes”), and Viaero (collectively, the “Neighbor Carriers”).

The Commission released a Notice seeking public comment on AT&T’s petition. Each of the Neighbor Carriers filed comments asking the Commission to deny AT&T’s petition. Generally, the Neighbor Carriers allege that AT&T has not met its burden to justify the grant of a waiver, that AT&T’s delays have contributed to the lack of extension agreements, that the Neighbor Carriers are entitled to withhold consent to allow AT&T to extend its SAB into their

CGSA, and that AT&T did not provide sufficient information with its extension agreement requests to properly evaluate the requests.

The public interest would be served by grant of a waiver if the Neighbor Carriers refuse to reasonably negotiate with AT&T for SAB extension agreements. Grant of such waivers will contribute to broadband build-out in the cellular service and lead to an efficient use of spectrum for the cellular service. Yet, AT&T continues to believe these goals are best accomplished through cooperation between cellular licensees. Since issuance of the Public Notice, each of the Neighbor Carriers has agreed or taken actions to work with AT&T to reach written agreement on mutually beneficial extension agreements. In light of this stated or demonstrated cooperation, AT&T would support a delay in the Commission's consideration of AT&T's petitions for waiver and the applications to which they are attached to allow AT&T and the Neighbor Carriers to resume negotiations on these needed extension agreements. AT&T would update the Commission on the results of those negotiations in approximately 60 days. AT&T remains willing to work with the Neighbor Carriers to address their concerns with respect to AT&T's SAB extensions.

## **II. DISCUSSION**

### **A. Cooperation Among Cellular Licensees is Paramount and Should be the Preferred Method for Those Licensees to Arrange SAB Extensions into Each Other CGSAs.**

The Neighbor Carriers are correct that cellular licensees are entitled to operate within their CGSAs without overlapping SABs because of the potential for interference. But, AT&T also believes that cellular licensees should allow SAB extensions in the absence of evidence of any interference or significant risk of actual capture of the Neighbor Carrier's traffic. AT&T feels strongly that these SAB extensions should be negotiated except in extraordinary

circumstances. Positive relationships among cellular licensees promotes coordination among licensees and minimizes the potential for disputes from operations at license borders.

Since the Commission released the Public Notice on AT&T's waiver requests, AT&T has engaged in communications with each of the Neighbor Carriers or their counsel and based upon those discussions, believes that there is a path forward to receiving negotiated extension agreements. Specifically, the undersigned has communicated with counsel for C-Spire, Viaero, and EKN and counsel have agreed to exchange extension agreement information with AT&T to try and obtain all outstanding agreements, including extension agreements that they require from AT&T. On another front, AT&T's engineering team has been coordinating network operations with a contractor for Wilkes and is optimistic that the respective network teams are discussing and will resolve any issues that in the past might have prevented Wilkes from executing extension agreements with AT&T.

In light of the prospect for negotiated extension agreements, AT&T proposes that the Commission delay consideration of the applications listed in Exhibit A attached hereto and the petitions for waiver attached to those applications. This delay will give AT&T and the Neighbor Carriers sufficient time to identify each of their sites that require extension agreements and to negotiate the appropriate agreements to consent to those extensions. In fact, some of the Neighbor Carriers need extension agreements from AT&T.

**B. If the Neighbor Carriers Refuse to Negotiate, Waiver is in the Public Interest.**

The Commission may grant a waiver if (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that grant of the waiver would be in the public interest, or (2) because of unique or unusual factual circumstances, application of the rule would be inequitable, unduly burdensome, or contrary to the public

interest, or the applicant has no reasonable alternative. 47 C.F.R. § 1.925(b). In the instant case, grant of AT&T's waiver request would be in the public interest if the Neighbor Carriers continue to refuse to negotiate with AT&T, by allowing current coverage to continue without interruption. It would promote the ability of cellular licensees to reliably serve all corners of their CGSA and to extend service to unserved areas. Refusal to grant extension agreements prevents cellular licensees from extending into unserved areas and often, from providing reliable service to the edges of their CGSA. It creates an environment where adjacent licensees refuse to grant reasonable extensions to each other, hindering the build-out of reliable cellular services along license boundaries.

Even if the Commission grants this waiver, AT&T remains restricted from interfering with other carrier networks. 47 C.F.R. §22.352. Just as it does now, AT&T would be obligated to coordinate frequency and channel use and respond to any interference claim by a Neighbor Carrier. Further, this waiver would not allow AT&T the unfettered ability to extend into a Neighbor Carrier's CGSA. It would allow SAB extensions only to the extent represented in the applications pending before the Commission and AT&T would not be at liberty to extend its SABs beyond those contours absent consent by the affected Neighbor Carrier.

March 6, 2013

Respectfully submitted,  
**AT&T Services, Inc.**

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### Exhibit A

C-Spire							
Application File No.	AT&T Call Sign	AT&T CMA No.	Block	AT&T CMA Name	Neighbor Call Sign	Neighbor CMA No.	Neighbor CMA Name
4432369	KNKA262	CMA041	B	Birmingham	KNKN904	CMA307	AL 1 - Franklin
4353129	KNKA392	CMA120	B	Huntsville	KNKN904	CMA307	AL 1 - Franklin
4353137	KNKA403	CMA106	B	Jackson	KNKN995	CMA497	MS 5 - Washington
4361548	KNKN614	CMA460	B	LA 7-West Feliciana	KNKN757 KNKN644	CMA503 CMA500	MS 11 - Lamar MS 8 - Claiborne
4356579	KNKN761	CMA309	B	AL 3 - Lamar	KNKQ257	CMA498	MS 6- Montgomery
4571996	KNKN878	CMA501	B1	MS 9 - Copiah	KNKQ311 KNKN757 KNKN644	CMA502 CMA503 CMA500	MS 10 - Smith MS 11 - Lamar MS 8 - Claiborne
4848163	KNKN961	CMA495	B2	MS 3 - Bolivar	KNKN885	CMA495	MS 3 - Bolivar
4365241	KNKQ269	CMA496	B1	MS 4 - Yalobusha	KNKQ257	CMA498	MS 6- Montgomery
4353773	KNKQ394	CMA496	B2	MS 4 - Yalobusha	KNKN885 KNKQ300	CMA495 CMA493	MS 3 – Bolivar MS 1 - Tunica
4402257	KNKQ276	CMA307	B2	AL 1 - Franklin	KNKN904	CMA307	AL 1 - Franklin
4595564	KNKQ309	CMA498	B1	MS 6 - Montgomery	KNKQ257	CMA498	MS 6- Montgomery
4353427	KNKQ368	CMA502	B2	MS 10 - Smith	KNKQ311	CMA502	MS 10 - Smith
4345837	KNKQ395	CMA500	B2	MS 8 - Claiborne	KNKN644	CMA500	MS 8 - Claiborne

EKN							
Application File No.	AT&T Call Sign	AT&T CMA No.	Block	AT&T CMA Name	Neighbor Call Sign	Neighbor CMA No.	Neighbor CMA Name
4862565	KNKN791	CMA681	B	VA 1 - Lee	KNKN880 KNKN809	CMA451 CMA452	KY 9 - Elliott KY 10 - Powell

NE Colorado Cellular							
Application File No.	AT&T Call Sign	AT&T CMA No.	Block	AT&T CMA Name	Neighbor Call Sign	Neighbor CMA No.	Neighbor CMA Name
4360447	KNKA348	CMA019	A	Denver - Boulder	KNKN327 KNKR307	CMA349 CMA352	CO 2 - Logan CO 5 - Elbert
4352640	KNKA649	CMA243	A	Greeley	KNKN327	CMA349	CO 2 - Logan
4952609	KNKN448	CMA352	A	CO 5 - Elbert	KNKN327 KNKR307	CMA349 CMA352	CO 2 - Logan CO 5 - Elbert

Wilkes							
Application File No.	AT&T Call Sign	AT&T CMA No.	Block	AT&T CMA Name	Neighbor Call Sign	Neighbor CMA No.	Neighbor CMA Name
4366187	KNKN875	CMA374	B3	GA 4 - Jasper	KNKN874	CMA374	GA 4 - Jasper
4359553	KNKN901	CMA377	B1	GA 7 - Hancock	KNKN874	CMA374	GA 4 - Jasper
4361591	KNKN958	CMA374	B1	GA 4 - Jasper	KNKN874	CMA374	GA 4 - Jasper